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Written statement* submitted by the People for Successful Corean Reunification, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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North Koreans Abroad: Labor Rights and the Democratic People's Republic of Korea

People for Successful COrean REunification (PSCORE) has prepared the following written statement related to Human Rights in the Democratic People's Republic of Korea (DPRK) for the United Nations Human Rights Council related to items three and four on the standing agenda. The UN Security Council and International Community has recognized, documented, and sought to address the atrocious human rights violations in the DPRK, culminating in an extensive report in 2014 released by the Commission of Inquiry on Human Rights in the DPRK and stricter sanctions targeting the DPRK government. However, PSCORE urges the UNHRC and member states to address a related and pressing matter: labor rights violations committed by the DPRK in the territory of an estimated 16 participating states. Coercively exporting between 50,000 and 150,000 of its citizens as migrant workers, primarily to Russia, China, the Middle East, and Southeast Asia, the DPRK government effectively evades targeted sanctions and violates international labor laws, matters that PSCORE urges the UNHRC and member states to address immediately. This statement begins by contextualizing these labor rights violations within an international law framework, then presents a more detailed description of specific violations, and ends with recommendations for the UNHRC and member states.

International Law

The DPRK's export of workers abroad is in violation of both UN Security Council resolutions and international labor and human rights laws. UN Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013) restrict the DPRK's military and nuclear progress through a series of sanctions, including a ban on the import of luxury products. Related to the DPRK's export of workers, these resolutions include a "ban on the provision of financial services or the transfer of financial or other assets, including bulk cash, that could contribute to prohibited programs or activities or to the evasion of sanctions." The DPRK government evades these sanctions, in part, by coercively exporting and exploiting its workforce. By confiscating as much as 90 percent of its workers' wages, the DPRK government appropriates this currency to fund DPRK state programs.

Arguably, the treatment of North Korean workers abroad is of even greater concern, as conditions in work camps, which are discussed in the following section, can be described as tantamount to modern slavery and involves not just the DPRK but at least 16 states that actively collaborate with the DPRK government. Specifically, North Korean foreign workers' rights are violated according to Article 7 of the International Covenant on Economic, Social, and Cultural Rights and Article 12 of the International Covenant on Civil and Political Rights, whereby workers are guaranteed fair wages, health safety, and days of rest, and free movement and liberty, respectively. In addition, in violation of the International Labor Organization and 2000 United National TIP Protocol (the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children) and the 1987 Convention against Torture and Other Cruel, Inhuman, and Degrading Punishment or Treatment (CAT), these workers are not permitted to terminate their contracts or leave worksites and face arbitrary arrest, detention, repatriation, and torture for violating these rules.

The violations of international labor and human rights laws cited above are intended to bring the UNHRC and member states' attention to this matter, which requires immediate action and further investigation to delineate the full extent of both breaches in international and domestic laws of states that are hosting North Korean workers in collaboration with the DPRK government.

North Korean Workers Abroad

The DPRK sends between 50,000 and 150,000 North Koreans to work in manual labor industries, such as mining, logging, textiles, and construction, in an estimated 16 countries through bilateral agreements. According to the Asan Institute for Policy Studies, North Korean workers are primarily sent to Russia, China, the Middle East and Southeast Asia, earning between $120-$150 per month. Isolating them in camps with contracts lasting no less than three years, North Korean laborers are required to work for between twelve and twenty hours per day, with only one or two days off per month. The vast majority of North Korean overseas workers are sent to Russia, and China. In violation of international human rights and labor laws, these workers are underpaid, subjected to harsh working conditions, and not

permitted to terminate their contracts without endangering themselves and their families. The number of North Koreans working abroad has more than doubled since Kim Jong-Un rose to power in 2011.

The North Korean government carefully selects workers to be sent abroad through government recruiting firms. In general, only individuals with immediate family in North Korea (i.e., wife and children) are eligible, as their family serves as collateral to ensure workers' obedience and compliance while abroad. Nevertheless, competition for these positions is fierce, as many North Koreans are driven by the opportunity to make money for their families and their country. Many North Korean workers prefer working abroad because conditions in work camps are better than in North Korea, where malnutrition and food insecurity is pervasive. In contrast, in foreign labor camps North Korean workers are fed enough to perform hard labor for extensive periods of time. North Korean workers must have connections within the Korean Worker's Party or be able to pay bribes to be considered for a foreign job. The type of work is then decided based upon individuals' political class, known as *songbun*. The most dangerous and difficult work is assigned to members of the lowest class. Although conditions may be better overall for North Korean workers abroad than for most North Koreans, one should not forget that conditions in North Korea cannot serve as a means of comparison for ethical and humane conditions given the preponderance of evidence demonstrating that human rights violations and food insecurity in North Korea are pervasive. Moreover, North Koreans' decision to work abroad is made under coercive conditions and should not be deemed as informed consent in legal terms. North Korean workers do not have individual contracts and are unaware of the conditions for their employment. The majority of the time North Korean workers know little more than the length of time they are expected to work abroad. Supervisors confiscate North Korean workers' identification papers when they arrive in their host countries, and North Korean workers are under constant surveillance while abroad.

Foreign employers of North Korean laborers refer to them as "hard working, obedient, skillful and cheap." Testimonies from defectors and experts suggest that workers do not earn money directly. Instead, their wages are sent to a state-run North Korean institution, such as an embassy, and workers are told that they will receive their wages when they return to North Korea. The North Korean government confiscates as much as 90 percent of workers' wages, paying the remaining 10 percent either in coupons that can only be used in government-run stores in North Korea or in North Korean Won. There are no credible statistics available with regards to the flow of money in the DPRK, but reports estimate 400 to 500 million USD in confiscated wages goes to the DPRK government annually. This additional income goes in part to support the "royal court economy," enabling the ruling Kim family to maintain its hold on power by bribing government and military officials with luxurious presents, ensuring their loyalty.

At the end of the average three-year contract, North Korean laborers can apply for an extension to continue working abroad or return to North Korea. However, while employed abroad workers are not permitted to change their jobs or quit. PSCORE informants recall instances of detention, imprisonment, and torture when workers were not fully compliant. One informant recalled an instance of a worker who tried to escape a worksite in Russia. North Korean authorities broke his arms and legs and deported him to North Korea in a full body cast. The conditions in North Korean labor camps abroad need immediate international attention and intervention to ensure North Korean laborers' rights are upheld in accordance with international labor and human rights laws.

Recommendations

PSCORE urges:

- The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to:
  - Commission a report of the working conditions for North Korean migrant workers.
  - Investigate member states that are collaborating with the DPRK government in violation of international labor and human rights laws and failing to protect the rights of North Korean migrant workers.

- Member States to:
  - Disallow the North Korean surveillance system in member state territory.

- Pay North Korean migrant workers directly and end any payment system that pays workers' wages to North Korean state institutions.
- Uphold international labor and human rights laws and protect North Korean migrant workers.
- Ban the import of products made by North Koreans migrant workers, if they are produced in violation of international labor and human rights laws.
- Investigate and hold private companies accountable for their treatment of North Korean migrant workers.